

**SUSMAN GODFREY L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
SUITE 1400  
1900 AVENUE OF THE STARS  
LOS ANGELES, CALIFORNIA 90067-6029  
(310) 789-3100  
FAX (310) 789-3150  
WWW.SUSMANGODFREY.COM

SUITE 5100  
1000 LOUISIANA STREET  
HOUSTON, TEXAS 77002-5096  
(713) 651-9366

SUITE 3800  
1201 THIRD AVENUE  
SEATTLE, WASHINGTON 98101-3000  
(206) 516-3880

32ND FLOOR  
1301 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10019-6023  
(212) 336-8330

STEVEN G. SKLAVER  
DIRECT DIAL (310) 789-3123

E-MAIL SSKLAVER@SUSMANGODFREY.COM

November 18, 2019

By ECF

United States District Court  
Southern District of New York  
Honorable Judge P. Kevin Castel  
500 Pearl Street, Room 11D  
New York, New York 10007

Re: *Hanks v. Lincoln Life & Annuity Company of New York and VOYA Retirement Insurance and Annuity Company*, Case No. CV 16-6399 (PKC) [rel. 19 cv 09750(PKC)].

Dear Judge Castel:

Pursuant to Individual Rule 1.B., Plaintiff writes to request an amendment to the Order following the June 25, 2019 Pretrial Conference. (ECF Nos. 129). Specifically, Plaintiff respectfully requests an extension of the deadlines to file (i) Defendant's reply in support of its motion for summary judgment and opposition to Plaintiff's cross-motion for summary judgment; and (ii) Plaintiff's reply in support of its cross-motion for summary judgment.

The Court's June 25, 2019 Order provides that Defendant's answer to the cross-motion and reply is due by December 13, and Plaintiff's reply is due six business days later, by December 23 (ECF No. 129). Defendant is entitled up to 45 pages for its answer and reply, and Plaintiff is entitled to up to 20 pages for its reply. Because of the complexity of the filings, intervening holidays, and travel schedules, Plaintiff seeks a short extension of the summary judgment briefing deadlines as follows:

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	Current	New Deadlines
Defendant's Reply / Opposition to Plaintiff's Cross-Motion	12/13/2019	12/18/2019
Plaintiff's Reply	12/23/2019	01/17/2020


OK

This is the first request by either party for an extension of these summary judgment briefing deadlines. The Court previously granted Defendants' request for an extension of time to answer (ECF No. 16); Defendants' request for an extension of time to complete substantial production of documents (ECF No. 43); the parties' joint request to amend deadlines for expert discovery and class certification (ECF No. 84); and the parties' request for an extension of time to file motions to seal for class certification (ECF No. 93).

[ Plaintiff also requests that the Court remove Docket No. 142 from the docket in full.] Docket 142 is the Declaration of Seth Ard in Support of Plaintiff's Cross-Motion for Partial Summary Judgment by Plaintiff Helen Hanks on Behalf of Herself and the Certified Class and Opposition to Defendant VOYA's Motion for Summary Judgment and accompanying exhibits. The declaration attaches certain exhibits that were filed unredacted in error, and inadvertently omitted an exhibit. The corrected declaration and exhibits have been refiled as Docket No. 143.

The Court has not yet set a date for the next Case Management conference and there are no other deadlines currently set in this matter. Defendant consents to this motion, provided its deadline for filing its brief is extended until December 18, 2019.

Respectfully submitted,


  
Steven G. Sklaver

Revised schedule approved. The document at  
DE 142 shall be removed by the Clerk.

SO ORDERED.

Dated: 11/19/2019



P. Kevin Castel  
United States District Judge